

1 MICHELE M. DESOER (SBN 119667)
 mdesoer@zuberlaw.com
 2 JEFFREY J. ZUBER (SBN 220830)
 jzuber@zuberlaw.com
 3 A. JAMES BOYAJIAN (SBN 275180)
 aboyajian@zuberlaw.com
 4 **ZUBER LAWLER & DEL DUCA LLP**
 777 S. Figueroa Street, 37th Floor
 5 Los Angeles, California 90017
 Telephone: (213) 596-5620
 6 Facsimile: (213) 596-5621

7 NATHANIEL L. FINTZ (*Pro Hac Vice*)
 nfintz@zuberlaw.com
 8 **ZUBER LAWLER & DEL DUCA LLP**
 One Penn Plaza, Suite 4430
 9 New York, New York 10119
 Telephone: (212) 899-9830

10 Attorneys for Plaintiff and
 11 Counterclaim-Defendant Leadership Studies, Inc.

12 **UNITED STATES DISTRICT COURT**
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

15 LEADERSHIP STUDIES, INC., a
 California corporation,
 16
 Plaintiff,
 17
 v.
 18 BLANCHARD TRAINING AND
 19 DEVELOPMENT, INC., a California
 corporation, and Does 1-10, inclusive,
 20
 Defendants.

21 BLANCHARD TRAINING AND
 22 DEVELOPMENT, INCORPORATED,
 23
 Counterclaim-Plaintiff,
 24
 v.
 25 LEADERSHIP STUDIES, INC.,
 26
 Counterclaim-Defendant.

CASE NO. 15CV1831 WQH-KSC

**REDACTED COPY OF
 DECLARATION OF
 NATHANIEL L. FINTZ IN
 SUPPORT OF JOINT MOTION
 FOR DETERMINATION OF
 DISCOVERY DISPUTE ON
 PLAINTIFF'S REQUESTS FOR
 PRODUCTION 73-78**

***No Oral Argument Unless Requested
 By The Court***

[Filed Under Seal and Concurrently
 with: Joint Motion for Determination of
 Discovery Dispute; Motion to File
 Documents Under Seal; and [Proposed]
 Order Granting Motion to File
 Documents Under Seal]

Case No. 15CV1831 WQH-KSC

DECLARATION OF NATHANIEL L. FINTZ IN SUPPORT OF JOINT MOTION FOR DETERMINATION OF
 DISCOVERY DISPUTE ON PLAINTIFF'S REQUESTS FOR PRODUCTION 73-78

DECLARATION OF NATHANIEL L. FINTZ

I, Nathaniel L. Fintz, declare as follows:

1. I am an attorney duly admitted to practice before this Court *pro hac vice* (D.I. 64). I am an associate with Zuber Lawler & Del Duca LLP, attorneys of record for Plaintiff and Counterclaim-Defendant Leadership Studies, Inc. (“CLS”). I have personal knowledge of the facts stated herein, and if called to testify, I could competently do so.

2. Within the present Declaration, “CLS” shall mean Plaintiff and Counterclaim-Defendant Leadership Studies, Inc.

3. Within the present Declaration, “BTD” shall mean Defendant and Counterclaim-Plaintiff Blanchard Training and Development, Inc.

4. Within the present Declaration, “KF” shall mean third-party Korn/Ferry International, also known as Korn Ferry.

5. Within the present Declaration “RFP” shall mean “Request for Production.”

6. CLS’ and BTD’s respective counsel have been meeting and conferring pursuant to the Federal Rules of Civil Procedure, Civil Local Rule 26.1, and Rule V(B) of the Rules of the Honorable Karen S. Crawford, U.S.M.J. (“Chambers’ Rules”).

7. In light of the different federal judicial districts where CLS’ and BTD’s respective counsel are located, CLS’ and BTD’s respective counsel have been conducting their meet-and-confer conferences via telephone, in compliance with Chambers’ Rule V(B).

8. For efficiency purposes, most of the records and correspondence from the meet-and-confer efforts between CLS and KF have been omitted from the Joint Motion for Determination of Discovery Dispute on Plaintiff’s Requests for Production 73-78. The meet-and-confer efforts between CLS and KF have included both telephone conferences and written correspondence.

REQUESTS, RESPONSES, AND MEET-AND-CONFER EFFORTS

9. Attached hereto as **Exhibit 1** is a true and correct copy of CLS' First Document Subpoena to KF and its accompanying Schedule A (including Exhibit 1 to Schedule A), all served by CLS on July 29, 2016.

10. Attached hereto as **Exhibit 2** is a true and correct copy of CLS' RFPs 73-78, from within CLS' First Request for Production of Documents Propounded to BTB, served by CLS on August 8, 2016.

11. Attached hereto as **Exhibit 3** is a true and correct copy of BTB's General Response 4 as well as its Responses and Objections to CLS' RFPs 73-78, all from within BTB's Responses and Objections to CLS' First Set of RFPs, served by BTB on September 29, 2016.

12. Attached hereto as **Exhibit 4** is a true and correct copy of a letter from CLS to BTB, dated November 1, 2016.

13. Attached hereto as **Exhibit 5** is a true and correct copy of a letter from BTB to CLS, dated November 4, 2016.

14. Attached hereto as **Exhibit 6** is a true and correct copy of BTB's Amended Responses and Objections to CLS' RFPs 73-78, from within BTB's Amended Responses and Objections to several of CLS' First Set of RFPs, served by BTB on November 23, 2016.

15. Attached hereto as **Exhibit 7** is a true and correct copy of a letter from BTB to CLS, dated November 30, 2016.

16. Attached hereto as **Exhibit 8** is a true and correct copy of an email chain between counsel for CLS and BTB, respectively, between November 16, 2016 and November 30, 2016.

17. Attached hereto as **Exhibit 9** is a true and correct copy of an email chain between counsel for CLS and BTB, respectively, between November 1, 2016 and December 2, 2016.

1 18. Attached hereto as **Exhibit 10** is a true and correct copy of a letter from
2 CLS to BTM, dated December 27, 2016.

3 19. Attached hereto as **Exhibit 11** is a true and correct copy of a letter from
4 BTM to CLS, dated December 28, 2016.

5 20. Attached hereto as **Exhibit 12** is a true and correct copy of a letter from
6 CLS to BTM, dated December 30, 2016.

7 21. Attached hereto as **Exhibit 13** is a true and correct copy of a letter from
8 CLS to BTM, dated January 5, 2017.

9 22. Attached hereto as **Exhibit 14** is a true and correct copy of an email
10 chain between counsel for CLS and BTM, respectively, between January 11, 2017
11 and January 12, 2017.

12 23. Attached hereto as **Exhibit 15** is a true and correct copy of KF's
13 Objections to CLS' Subpoena to Produce Documents, served by KF on January 13,
14 2017.

15 24. Attached hereto as **Exhibit 16** is a true and correct copy of an email
16 chain between counsel for CLS and BTM, respectively, between March 6, 2017 and
17 March 9, 2017.

18 25. Attached hereto as **Exhibit 17** is a true and correct copy of a letter from
19 CLS to KF (including the original attachment to that letter—namely, a copy of the
20 Proposed Amended Stipulated Protective Order that was emailed on March 10, 2017
21 to the Hon. Karen S. Crawford, U.S.M.J.), dated March 10, 2017.

22 26. Attached hereto as **Exhibit 18** is a true and correct copy of a letter from
23 BTM to CLS, dated March 13, 2017.

24 27. Attached hereto as **Exhibit 19** is a true and correct copy of a letter from
25 CLS to BTM, dated March 15, 2017.

26 28. Attached hereto as **Exhibit 20** is a true and correct copy of an email
27 chain between counsel for CLS and BTM, respectively, between January 6, 2017
28 and March 24, 2017.

